

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE**

John Doe<sup>1</sup>

v.

Case No. 21-cv-604-LM

New Hampshire Department of  
Corrections Commissioner, et al.

**O R D E R**

Plaintiff has filed a motion to amend the complaint (Doc. No. 44), a response (Doc. No. 51) to the defendants' answer, and motions to seal (Doc. Nos. 45, 52) both of those documents. In this Order, the Court considers those motions and addresses other matters in this case.

**Motion to Amend and Answer Response**

Plaintiff's motion to amend (Doc. No. 44) seeks to add documents to the complaint in this case. That motion is granted and that filing, and its attachments, will be construed as part of the complaint for all purposes. In his response (Doc. No. 51) to the defendants' answer, plaintiff adds information relevant to his claims in this matter, and the Court thus

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<sup>1</sup> The Court has directed that the plaintiff be identified as "John Doe" in documents available to the public in this case, for reasons explained in its August 13, 2021 Order (Doc. No. 11).

construes that filing as a complaint addendum for all purposes.

### **Motions to Seal**

The plaintiff has filed motions to seal (Doc. Nos. 45, 52) Document Nos. 44 and 51. The motions to seal are GRANTED to the extent that:

- Document Nos. 44, 45, 51, and 52 will be sealed at Level I in this matter.
- The Clerk's office is directed to prepare a redacted copy of each of those documents, and to docket the redacted copies of the original documents as attachments to the sealed documents. The redacted copies shall be available in the public docket.

### **Defendants Filings To Be Redacted**

In an Order issued November 22, 2022, the Court directed the defendants to file redacted copies of Document Nos. 33 and 36 in the public docket of this case. Those redacted documents have not yet been filed. The defendants are directed to file copies of Document Nos. 33 and 36, with all of the identifying information concerning the plaintiff redacted therefrom, in the public docket of this case, within seven days of the date of this Order.

The defendants have also filed Document Nos. 49 and 50 in the public docket of this case. Both of those documents contain information identifying the plaintiff in this case. The Court

directs the Clerk's office to immediately seal Document Nos. 49 and 50 at Level I. The defendants are directed to file copies of Document Nos. 49 and 50, with all of the identifying information concerning the plaintiff redacted therefrom, in the public docket of this case, within seven days of the date of this Order.

### **Answer to the Complaint**

The plaintiff filed a complaint (Doc. No. 1) and multiple complaint addenda (Doc. Nos. 2, 3, 7, 12, 13, 15, 16, 20, 28, 29, 32, 44, 51). The defendants, until now, have not had full access to the sealed documents in the case. Accordingly, to date, the defendants have been unable to file a complete answer to the complaint and complaint addenda. The defendants should now have access to all of the documents in the record of this case. The defendants are directed to file an amended answer, responding to all of the documents which comprise the complaint in this case, within sixty days of the date of this Order. The amended answer need only address the content of the complaint documents to the extent they concern the Eighth Amendment and negligence claims the Court previously authorized to proceed in this matter. As appropriate, the defendants may file their answer(s) under seal at Level I, accompanied by a redacted copy of the answer(s) to be docketed in the public docket. The

information to be redacted includes, but is not necessarily limited to: any information identifying the plaintiff (e.g., his name, housing unit, and age, as well as specific dates and places of relevant events; any information identifying other prisoners who have assisted or cooperated with corrections or other law enforcement officials on matters concerning the plaintiff or any member of his family; and any identifying information concerning the alleged assailants and assault in this case.

#### **Document No. 53**

The defendants' Certificate of Service for Document No. 53 indicates that the parties in this case were served by electronically filing that document with the Court. Because the plaintiff is a pro se prisoner, he is not able to access documents in this case electronically. Accordingly, the defendants are directed to mail a copy of that document to the plaintiff, and to file a certificate of service for that document with the Court, within seven days of the date of this Order.

#### **Conclusion**

The Court now directs as follows:

1. Plaintiff's motion (Doc. No. 44) to amend the

complaint is GRANTED. Document No. 44 will be construed as an addendum to the complaint for all purposes.

2. Document No. 51 is construed as an addendum to the complaint for all purposes.

3. Plaintiff's motions to seal (Doc. Nos. 45, 52) are granted.

4. Defendants are directed to:

a. file redacted copies of Doc. Nos. 33, 36, 49, and 50, as set forth in this Order, within seven days of the date of this Order;

b. send a copy of Doc. No. 53 to the plaintiff, and a certificate of service of that document with the Court, within seven days of the date of this Order; and

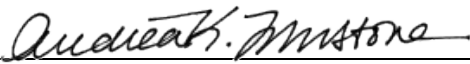
c. file an amended answer, as set forth in this Order, within sixty days of the date of this Order.

5. The Clerk's office is directed to:

a. immediately seal Doc. Nos. 44, 45, and 49-52 at Level I in the docket of this case.

b. prepare and docket redacted copies of Doc. Nos. 44, 45, 51, and 52 as set forth in this Order.

SO ORDERED.

  
Andrea K. Johnstone  
United States Magistrate Judge

July 27, 2023

cc: John Doe, pro se  
Brandon Francis Chase, Esq.